IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Crl.MC.No. 2625 of 2007()

AGAINST THE ORDER IN CC 1326/03 IN
ST.1504/2006 of JUDL.MAGISTRATE OF FIRST CLASS, PALA

.....

PETITIONER: ACCUSED:

MINI BABY,
W/O. BABY KALAPPARACKELPARAMBIL,
POONJAR SOUTH P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.M.NARENDRA KUMAR
SRI.R.SUDHIR

RESPONDENTS: COMPLAINANT:

---

1. BOBAN VARKEY, S/O. VARKEY,
VADAKKE HOUSE, POONJAR SOUTH P.O.,
POONJAR, KOTTAYAM DISTRICT.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.2625 of 2007

Dated this the 17th day of August 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. Cognizance was taken. The petitioner had allegedly appeared before the learned Magistrate. She was enlarged on bail. From and after 09/02/2007, the petitioner was not able to appear before the learned Magistrate. Consequently, the learned Magistrate has issued coercive processes against the petitioner. The petitioner finds a warrant of arrest issued by the learned Magistrate chasing her.

2. According to the petitioner, she is absolutely innocent. Her non-appearance was not wilful. The petitioner is willing to surrender before the learned Magistrate and apply for bail. She shall co-operate for the expeditious disposal of the case. But she apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when she appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which she could not earlier appear before the learned Magistrate.

4. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

5. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007